

FEB-13-2004 15:56

513 241 6234

RECEIVED  
CENTRAL FAX CE

FEB 13 2004

513 241 6234

P.02

OFFICIAL

PATENT

Attorney Docket No. IBM/02B  
Confirmation No. 9272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Phillip Bigus et al.  
Serial No.: 09/431,833  
Filed: November 2, 1999  
For: INTELLIGENT AGENT WITH NEGOTIATION CAPABILITY AND METHOD OF  
NEGOTIATION THEREWITH

Art Unit: 3621  
Examiner: Firmin Backer  
Atty. Docket No.: IBM/02B

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM  
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed November 13, 2003 finally rejecting claims 54-63, and 104-112.

The item(s) checked below are appropriate:

1. ☐ Applicants hereby petition for a ☐ month extension of time to reply to the final rejection. A check in the amount of \$ ☐ is attached.

2. ☒ Appeal Fee: XXX Other than a small entity Fee: \$330.00  
☐ Small Entity Fee: \$  
☐ Verified Statement attached  
☐ Verified Statement filed previously

02/20/2004 SCALLIHM 00000004 233000 09431833  
01 FC:1401 330.00 DA XXX

Check attached for the sum of \$ 330.00.  
Please charge the sum of \$330.00 and any deficiency or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

By: Scott A. Stinebruner  
Reg. No. 38,323

Date: 13 FEB 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (2 total pages) are being transmitted via facsimile transmission to Examiner Firmin Backer, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306, on February 13, 2004.

Judith L. Volk February 13, 2004  
Judith L. Volk Date

Page 1 of 1  
Serial No. 09/431,833  
Notice of Appeal dated February 13, 2004  
Reply to November 13, 2003 Final Office Action  
IBM Docket RO996054L  
WH&E IBM/02B  
K:\09431833\Notice of Appeal.wpd

FEB-13-2004 15:56

513 241 6234

RECEIVED  
CENTRAL FAX CENTER

513 241 6234 P.01

FEB 13 2004

OFFICIAL

**WOOD, HERRON & EVANS, L.L.P.**

JOHN D. POFFENBERGER  
BRUCE TITTEL  
DONALD F. FREI  
DAVID J. JOSEPHIC  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.

OF COUNSEL  
THOMAS W. FLYNN

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
EMAIL: info@whpatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1978  
EDWARD B. EVANS 1938-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
KATHRYN E. SMITH  
KRISTIL L. DAVIDSON  
P. ANDREW BLATT, PH.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, PH.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
LARRY O. MOORE  
WESLEY L. STRICKLAND (VA, DC BAR ONLY)  
STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS  
HENRY M. LABODA, PH.D.

February 13, 2004

**FACSIMILE COVER SHEET**

To: Examiner Firmin Backer  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/431,833 ✓  
Filed: November 2, 1999  
Applicant: Joseph Phillip Bigus et al.  
Art Unit: 3621  
Confirmation No.: 9272  
Our Ref: IBM/02B

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission  
Notice of Appeal containing Certificate of  
Facsimile Transmission and Authorization  
to Charge Deposit Account 23-3000 in the  
amount of \$330.00 for Filing Fees for the  
Notice of Appeal

Pages: 2 (including cover sheet)

**MESSAGE/COMMENTS  
OFFICIAL**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (2 total pages) are being transmitted via facsimile transmission to Examiner Firmin Backer, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on February 13, 2004.

Judith L. Volk  
Judith L. Volk

February 13, 2004  
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.